

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RENE ESPINOZA MARTINEZ,
Petitioner,
v.
JAMES ROBERTSON, Warden,
Respondent.

Case No. [21-cv-01091-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

On February 12, 2021, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ On the same day the action was filed, the Clerk of the Court sent a notice to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's *in forma pauperis* ("IFP") application. Dkt. 2. The Clerk sent Petitioner a blank IFP application and told him that he must pay the fee or return the completed application within twenty-eight days or his action would be dismissed. *Id.* at 1. Petitioner did not respond to the first notice.

On April 21, 2021, the Clerk sent a second notice to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's IFP application. Dkt. 6. The Clerk again informed him that his failure to pay the fee or return the completed application within twenty-eight days would result in dismissal of this action. *Id.* at 1.

More than twenty-eight days have passed, and Petitioner has not paid the filing fee, returned the IFP application, or otherwise communicated with the Court.

IT IS HEREBY ORDERED THAT this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: June 4, 2021


JUDGE YVONNE GONZALEZ ROGERS
United States District Judge

¹ This suit was reassigned from a magistrate judge to the undersigned judge. Dkt. 5.